

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Ramon Morales and Tony A. Gerges,

Civil Case No.:  
18-cv-03734-DLI-TAM

Plaintiffs,

-against-

**DECLARATION OF  
ANTHONY V. GENTILE**

Fourth Avenue Bagel Boy, Inc. d/b/a Steve's Bagels and Steven  
Natale,

Defendants.  
-----X

**DECLARATION OF ANTHONY V. GENTILE, REGARDING  
COURT-ORDERED SERVICE OF THE COURT'S ORDER**

I, Anthony V. Gentile, hereby declare the following, pursuant to 28 U.S.C. § 1746 (*see* oath at end of document), and upon personal knowledge, as well as upon information and belief, in addition to being fully familiar with the facts and circumstances set forth herein.

1. I am an attorney duly authorized to practice law in the State of New York.
2. I am admitted in, or otherwise authorized to practice law in, this Court.
3. I am representing the *pro se* defendant herein, Steven Natale ("Natale"), on a limited basis, pursuant to previously filed notices of limited appearance.

4. By Docket-Text Order dated October 5, 2022, this Court, among other things, struck the within parties' respective Pre-Trial Orders,<sup>1</sup> and expressed its need for clarification of certain issues.

5. Within said Order, the Court directed your undersigned to serve the corporate defendant in this case, Fourth Avenue Bagel Boy, Inc. (hereafter, the "corporate defendant"),<sup>2</sup> with a copy of said Order no later than October 10, 2022.<sup>3</sup>

6. Upon information and belief, defendant herein, Steven Natale ("Natale"), is the President of the within corporate defendant.

7. Upon information and belief, in these proceedings, the aforesaid corporate defendant is not now, and never has been, represented by an attorney.

8. Pursuant to the Court's directive, your undersigned served the aforesaid corporate defendant, as follows in the next paragraph, and he did so as if a Summons was being served, and under the authority of FRCP § 4(h)(1)(A)(B).

9. On October 10, 2022, at approximately 10:30 a.m., at the Emphasis restaurant/diner, located at 6822 Fourth Avenue, in the County of Kings, City and State of New York, your undersigned personally hand-delivered a copy of said Order to defendant herein, Natale.

10. Annexed hereto and made part hereof is a copy of said Order signed by Natale thereby indicating his receipt thereof on behalf of the corporate defendant.

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<sup>1</sup> Said parties do not include Tony A. Gerges, who has been dismissed from this case.

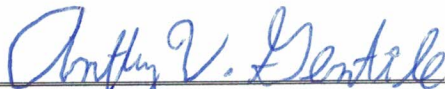
<sup>2</sup> Your undersigned does not now, and never has, represented the corporate defendant in this case, nor does your undersigned have any present intentions to represent said corporate defendant *in futuro*.

<sup>3</sup> Said deadline statutorily becomes Tuesday, October 11, 2022 because today is a federal holiday (Columbus Day).

**Oath**

I hereby declare under penalties of perjury; under the laws of the United States; and under any applicable rules of this Court, that the foregoing statements are true and correct to the best of my knowledge.

Executed this 10<sup>th</sup> day of October, 2022  
in New York, N.Y.

  
\_\_\_\_\_  
Anthony V. Gentile

Activity in Case 1:18-cv-03734-DLI-TAM Morales et al v. Fourth Avenue Bagel Boy, Inc.  
et al Order on Motion for Extension of Time to File

From: ecf\_bounces@nyed.uscourts.gov

To: nobody@nyed.uscourts.gov

Date: Wednesday, October 5, 2022 at 12:15 PM EDT

Received by Steven  
Natale as President of,  
and on behalf of, Fourth  
Avenue Bagel Boy, Inc.  
X Steven Natale 10/10/22

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this email because the mail box is unattended.

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U.S. District Court

Eastern District of New York

### Notice of Electronic Filing

The following transaction was entered on 10/5/2022 at 12:14 PM EDT and filed on 10/5/2022

**Case Name:** Morales et al v. Fourth Avenue Bagel Boy, Inc. et al

**Case Number:** 1:18-cv-03734-DLI-TAM

**Filer:**

**Document Number:** No document attached

**Docket Text:**

**ORDER denying as moot [90] Defendant's Motion for Extension of Time to File; AND ORDERS STRIKING BOTH [93] Defendant's Proposed Pretrial Order AND [91] Plaintiff's Proposed Pretrial Order --- As an initial matter, Defendant's contorted motion for an extension of time to file the joint pretrial order ("JPTO") is denied as moot. Defendant's motion actually was several in one, requesting various forms of relief with ONE outcome only, i.e., an extension of the deadline to file the JPTO. Plaintiff's counsel also was negligent in failing to respond to defendant's request as to his consent to said motion.**

**Apparently, neither Defendant nor Plaintiff understand what a JPTO is. It is a *joint* filing. Instead, each side filed it's own portion. The parties are to exchange their respective portions, comment and edit them OFF THE RECORD and then file their joint submission. It also is not clear to the Court whether defense counsel, Mr. Gentile, will be trial counsel and remains attorney of record as noted in this Court's Memorandum and Order adopting the Report and Recommendation of the Magistrate Judge, and evidenced by statements made by him in connection with the request to extend the filing deadline for the JPTO that are belied by his filing of another notice of appearance on September 1, 2022. See, NOA, Dkt. Entry No. 92. It also is not clear whether Mr. Gentile represents only Mr. Natale or both Mr. Natale and the corporate defendant against whom a notation of default has been filed. By separate Electronic Order, the Court will schedule an in person conference to address the foregoing matters. Mr.**



**Natale must appear with defense counsel. Mr. Gentile is directed to serve a copy of this Electronic Order on the corporate defendant within five days of the date of this Order and immediately thereafter file proof of such service with the Court. SO ORDERED by Judge Dora Lizette Irizarry on 10/5/2022. (Irizarry, Dora) 1:18-cv-03734-DLI-TAM Notice has been electronically mailed to:**

about:blank 1/2 10/10/22, 8:01 PM Yahoo Mail - Activity in Case 1:18-cv-03734-DLI-TAM Morales et al v. Fourth Avenue Bagel Boy, Inc. et al  
Order on Motion f...

Kenneth Andrew Goldberg kgoldberg@goldbergfliegel.com

Anthony Vincent Gentile anthonyvgentile\_esq@yahoo.com

Roger Briton roger.briton.adr@gmail.com

**1:18-cv-03734-DLI-TAM Notice will not be electronically mailed to:**

Fourth Avenue Bagel Boy, Inc.